

**STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY**

**Authorization to Discharge Under the
Utah Pollutant Discharge Elimination System**

**Storm Water General Permit for
Construction Activities
Permit No. UTR300000**

This Permit is issued in compliance with the provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 2004, as amended (the "Act") and the federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et. seq.*, as amended to date), and the rules and Regulations made pursuant to those statutes.

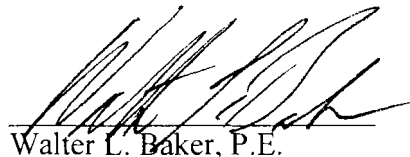
This Permit authorizes storm water discharges to waters of the State of Utah resulting from construction activities, including construction support activities, anywhere within the State of Utah as provided in Parts 1.4 and 1.5 of this Permit. This authorization is conditioned upon a discharger meeting the eligibility requirements in Part 1.2.2 of this Permit, including preparation of a Storm Water Pollution Prevention Plan prior to filing a Notice of Intent ("NOI") to discharge under this General Permit. A discharger is not covered by this Permit if the discharger submits an NOI but has not met these conditions.

This authorization is subject to the authority of the Utah Water Quality Board or the Executive Secretary of the Utah Water Quality Board to reopen this Permit (*see* Part 5.15 of this Permit), or to require a discharger to obtain an individual permit or use an alternative general permit (*see* Part 2.3 of this Permit). The issuance of a discharge permit authorization under this general Permit does not relieve Permittees of other duties and responsibilities under the Act or rules made under that Act. Significant terms used in this Permit are defined in Part 6 of this Permit.

This Permit shall become effective on July 1, 2008.

This Permit and the authorization to discharge shall expire at midnight, June 30, 2013, except as described in Part 2.4 of this Permit.

Signed this 26th day of June, 2008.



Walter L. Baker, P.E.
Executive Secretary,
Utah Water Quality Board

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PART 1: PERMIT SCOPE AND COVERAGE

- 1.1 Persons required to obtain authorization for discharge. No person may conduct construction activities that disturb an area greater than or equal to one acre without authorization for storm water discharge from the Executive Secretary. (See Utah Admin. Code Sections R317-8-3.9(6)(d)(10) and R317-8-3.9(6)(e)(1).) In addition, no person may conduct construction activities that disturb an area smaller than one acre if the disturbance is part of a larger common plan of development or sale that will ultimately disturb an area greater than or equal to one acre. *Id.* See Part 6.5 of this Permit for a definition of “construction activities.”
- 1.2 Permit Area and Eligibility.
 - 1.2.1. Construction activities located within the State of Utah, except for Indian Country (see Part 6.16 of this Permit for a definition of “Indian Country”) may be eligible to be covered under this Permit.
 - 1.2.2. Eligibility for authorization to discharge under this Permit is conditioned upon:
 - a. Preparation of a Storm Water Pollution Prevention Plan (“SWPPP”) (see Part 3 of this permit) prior to submission of a Notice of Intent (“NOI”);
 - b. Submission of a complete and accurate Notice of Intent to be covered by this Permit (see Part 1.8 of this Permit); and
 - c. Payment of applicable fees.
- 1.3 Authorization to Discharge. This Permit authorizes discharges of storm water from construction activities that disturb an area greater than or equal to one acre, and from construction activities that disturb an area smaller than one acre if the disturbance is part of a larger common plan of development or sale that will ultimately disturb an area greater than or equal to one acre. This authorization is subject to all of the terms and conditions of this Permit, including the requirement that the discharger must submit a Notice of Intent (“NOI”), and the prohibitions on discharges specified in Part 1.6.
- 1.4 Allowable Storm Water Discharges. Subject to compliance with the terms and conditions of this Permit, a Permittee is authorized to discharge pollutants in:
 - 1.4.1. Storm water associated with construction activity as that term is defined in Part 6.5 of this Permit (but see Part 1.4.3 of this Permit for limitations on discharges from construction support activities);
 - 1.4.2. Storm water discharges designated by the Executive Secretary as needing a storm water permit under R317-8-3.9(6)(e)(2);
 - 1.4.3. Discharges from construction support activities as that term is defined in Part 6.6 of this Permit, provided:
 - a. The support activity is directly related to the construction site required to have UPDES permit coverage for discharges of storm water associated with construction activity;
 - b. The support activity is not a commercial operation serving multiple unrelated construction projects by different owners/operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
 - c. Appropriate controls and measures are identified in a Storm Water Pollution

Prevention Plan (SWPPP) covering the discharges from the support activity areas; and

- 1.4.4. Discharges composed of allowable discharges listed in Part 1.4 and 1.5 of this Permit commingled with a discharge authorized by a different UPDES permit and/or a discharge that does not require UPDES permit authorization.
- 1.5. Allowable Non-storm Water Discharges. A Permittee is authorized to make the following non-storm water discharges, provided the non-storm water component of the discharge is in compliance with Part 3.5.5 of this Permit:
 - 1.5.1. Discharges from fire-fighting activities;
 - 1.5.2. Fire hydrant flushings;
 - 1.5.3. Waters used to wash vehicles where detergents are not used;
 - 1.5.4. Water used to control dust in accordance with Part 3.5.2(c)(2);
 - 1.5.5. Potable water including uncontaminated water line flushings;
 - 1.5.6. Routine external building wash down that does not use detergents;
 - 1.5.7. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
 - 1.5.8. Uncontaminated air conditioning or compressor condensate;
 - 1.5.9. Uncontaminated ground water or spring water;
 - 1.5.10. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
 - 1.5.11. Landscape and other irrigation drainage.
- 1.6. Discharges not allowed under this Permit. Notwithstanding any other language in this Permit, the following storm water discharges are not authorized by this Permit:
 - 1.6.1. Discharges from Construction Activities within Indian Country. This Permit does not cover discharges within Indian Country as that term is defined in Part 6.16 of this Permit;¹
 - 1.6.2. Post Construction Discharges. Storm water discharges that originate from the site after construction activities have been completed and the site has undergone final stabilization;
 - 1.6.3. Discharges Mixed with Non-storm Water. Discharges that are mixed with sources of non-storm water other than discharges which are identified in Part 1.5 of this Permit and in compliance with Part 3.5.5 (non-storm water discharges) of this Permit;
 - 1.6.4. Discharges Covered by Another Permit. Storm water discharges associated with construction activity for which an individual permit has been issued, or for which the owner/operator is required to or may obtain coverage under an individual permit or an alternative general permit (see Part 2.3 of this Permit), including a general

¹ The State of Utah, *Division of Water Quality*, does not have permit authority for Indian Country. Storm water permits for Indian Country within the State must be acquired through EPA Region VIII, except for facilities on the Navajo Reservation or on the Goshute Reservation which must acquire storm water permits through EPA Region IX.

- permit issued for areas regulated by a qualified municipal Separate Storm Sewer System Program;
- 1.6.5. Discharges Threatening Water Quality. Storm water discharges from construction activities that cause or have the reasonable potential to cause a violation of a water quality standard. *See* Part 2.2 of this Permit;
 - 1.6.6. Discharges from commercial construction support and related activities. Storm water discharges from construction support activities unless they are included within the definition in Part 6.6 of this permit;
 - 1.6.7. Spills. This Permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill; and
 - 1.6.8. Discharges that result from violations of this Permit.
- 1.7 Authorization to Discharge Date.
- 1.7.1. This permit is effective as of July 1, 2008 and is effective for five years, expiring at 11:59 p.m. on June 30, 2013.
 - 1.7.2. Unless notified by the Executive Secretary to the contrary, a discharger is authorized for coverage under this Permit and may begin construction activities immediately after preparing a SWPPP for the construction activities (*see* Part 1.2.2(a) of this Permit), and after submitting an NOI and permit fee (*see* Part 1.2.2(b) and (c) of this Permit). The date of submission of the NOI or a permit fee shall be the date of its receipt by the Executive Secretary, or the date the NOI or permit fee are submitted electronically using the website for the Utah Division of Water Quality. Any NOIs mailed to the Executive Secretary shall be mailed to the address specified in Part 5.11 of this Permit.
 - 1.7.3. The Executive Secretary may, with written notice (including electronic notice) delay authorization to verify an applicant's eligibility or resolve other concerns. In these instances, a discharger is not authorized for coverage under this permit until it receives notice from the Executive Secretary.
- 1.8 Notice of Intent
- 1.8.1. A person who wishes to submit an NOI must use the NOI form provided by the Executive Secretary (or a copy thereof), or submit an NOI electronically ([see https://secure.utah.gov/stormwater/](https://secure.utah.gov/stormwater/))).
 - 1.8.2. All questions in an NOI form provided by the Executive Secretary or answered in the course of submitting an NOI electronically must be answered completely and accurately.
 - 1.8.3. The NOI, whether on the form provided by the Executive Secretary or submitted electronically, must include a certification statement, and must be signed and dated by an authorized representative as specified in Part 5.16 of this Permit.
- 1.9 Coverage before June 30, 2010. Permittee's that previously received authorization to discharge under the October 1, 2002 General Permit (2002 General Permit) and still have active coverage shall without submission of an NOI continue coverage under UTR200000 until June 30, 2010 at which time, or before if desired, the Permittee shall, by submission of an NOI (either on-line www.waterquality.utah.gov/updes/stormwatercon.htm or by paper submission) obtain coverage under this Permit (UTR300000).

- 1.10 Late Notifications. Persons are not prohibited from submitting NOIs after initiating clearing, grading, excavation activities, or other construction activities. When a late NOI is submitted, authorization for discharges occurs consistent with Subpart 2.1. The Agency reserves the right to take enforcement action for any un-permitted discharges that occur between the commencement of construction and discharge authorization.

**PART 2. SPECIAL CONDITIONS, MANAGEMENT PRACTICES,
RESPONSIBILITIES, AND OTHER NON-NUMERIC LIMITATIONS**

- 2.1 Releases in excess of Reportable Quantities. The discharge of hazardous substances or oil in the storm water discharge(s) from a site shall be prevented or minimized in accordance with the applicable SWPPP for the site. This Permit does not relieve the Permittee of the reporting requirements of 40 CFR part 117, 40 CFR 110, and 40 CFR part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reportable quantity established under either 40 CFR 117, 40 CFR 110, or 40 CFR 302, occurs during a 24 hour period:
- 2.1.1. The Permittee is required to notify the National Response Center (NRC) (800-424-8802) in accordance with the requirements of 40 CFR 117, 40 CFR 110, and 40 CFR 302 and the Division of Water Quality (DWQ) (801-538-6146) or the 24 hour DWQ answering service at 801-536-4123 as soon as he or she has knowledge of the discharge;
 - 2.1.2. The Permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, the measures taken and/or planned to be taken to cleanup the release, and steps to be taken to minimize the chance of future occurrences to the Executive Secretary; and
 - 2.1.3. The SWPPP required under Part 3 of this Permit must be modified within 14 calendar days of knowledge of the release to provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the SWPPP must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the SWPPP must be modified where appropriate.
- 2.2 Discharge Compliance with Water Quality Standards and TMDL requirements. Storm water discharges from construction activities that cause or have the reasonable potential to cause a violation of a water quality standard or a violation of Total Maximum Daily Load (“TMDL”) requirements are not authorized by this Permit. If there is a TMDL requirement for the receiving water, that requirement, rather than a water quality standard, will govern. If a discharge that would otherwise be covered by this Permit causes a violation or if there is a reasonable potential a discharge will cause a violation, the Permittee will take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard or a TMDL requirement, and shall document these actions in the SWPPP.

If the Executive Secretary determines that construction activities have caused or have the reasonable potential to cause a violation of a water quality standard or a TMDL requirement, the discharger will be notified by the Executive Secretary of additional requirements for treatment or handling of the discharge to ensure future discharges do not cause or contribute to the violation. The Permittee will document these requirements in the SWPPP. The Executive Secretary may authorize continued coverage under this Permit after appropriate controls and implementation procedures, designed to bring the discharges

into compliance with water quality standards or TMDL requirements, have been included in the SWPPP.

Alternatively, the Executive Secretary may notify the Permittee that an individual permit application is necessary (see Part 2.3 of this Permit).

If violations remain or re-occur, then coverage under this Permit may be terminated by the Executive Secretary and an alternative permit may be issued or denied. Compliance with this requirement does not preclude any enforcement activity as provided by the Water Quality Act for the underlying violation.

2.3 Requiring an Individual Permit or an Alternative General Permit.

- 2.3.1. The Executive Secretary may require any person authorized by this Permit to apply for and/or obtain either an individual UPDES permit or an alternative UPDES general permit. Any interested person may petition the Executive Secretary to take action under this paragraph. Where the Executive Secretary requires a discharger authorized to discharge under this Permit to apply for an individual UPDES permit, the Executive Secretary shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form or reference to the application requirements, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual UPDES permit or the alternative general permit as it applies to the individual Permittee, coverage under this general Permit shall automatically terminate. Applications shall be submitted to the address of the Division of Water Quality shown in Part 5.11 of this Permit. The Executive Secretary may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual UPDES permit application as required by the Executive Secretary under this paragraph, then the applicability of this Permit to the individual UPDES permittee is automatically terminated at the end of the day specified for application submittal.
- 2.3.2. Any discharger authorized by this Permit may request to be excluded from the coverage of this Permit by applying for an individual permit. In such cases, the discharger shall submit an individual application in accordance with the requirements of Utah Administrative Code ("UAC") R317-8-3.9(2)(b)2 with reasons supporting the request, to the Executive Secretary at the address for the Division of Water Quality in Part 5.11 of this Permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the Permittee are adequate to support the request.
- 2.3.3. When an individual UPDES permit is issued to a discharger who would otherwise be subject to this Permit, or the discharger is authorized to discharge under an alternative UPDES general permit, the applicability of this Permit to the individual UPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization for coverage under the alternative general permit, whichever the case may be. When an individual UPDES permit is denied to a discharger otherwise subject to this Permit or the discharger is denied for coverage under an alternative UPDES general permit, the applicability of this Permit to the

individual UPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Executive Secretary.

- 2.4 Continuation of the Expired General Permit. This Permit expires on June 30, 2013. However, an expired general permit shall continue in force and effect after the expiration date until a new general permit is issued. If a discharger was eligible for and permitted under this Permit, and this Permit expires, the discharger will remain covered by this Permit until the earliest of:
- 2.4.1. One hundred twenty days after re-issuance or replacement of this Permit;
 - 2.4.2. The discharger submits a Notice of Termination in compliance with this Permit;
 - 2.4.3. The discharger is issued an individual permit for the project's discharges; or
 - 2.4.4. 180 days after the Executive Secretary makes a formal decision not to reissue or replace this Permit, at which time the discharger must seek coverage under an alternative general permit or an individual permit.

PART 3. STORM WATER POLLUTION PREVENTION PLANS

- 3.1. SWPPP required. A Storm Water Pollution Prevention Plan (“SWPPP”) shall be developed for each construction project covered by this Permit prior to submission of an NOI. A SWPPP shall be prepared in accordance with good engineering practices. It is recommended that the plan be signed by a Professional Engineer (P.E.) registered in the State. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site, shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with construction activity at the construction site and to assure compliance with the terms and conditions of this Permit, and shall otherwise meet the requirements of this Permit. As a condition of this Permit, Permittees must implement the SWPPP as written or modified from commencement of construction until final stabilization is complete and an NOI has been submitted. (This provision is not intended to address the potential liability of a Permittee or other current or former operator or owner in the event of a discharge of pollution from the property of an individual homeowner.)
- 3.2. SWPPP Location, Availability, Revision, and Signature.
- 3.2.1. SWPPP Location. A copy of the SWPPP, including a copy of the Permit, the NOI, and any amendments to the SWPPP, shall be retained on-site at the site which generates the storm water discharge in accordance with this Part 3.2 and with Part 5.10 of this Permit. If the site is inactive or does not have an onsite location adequate to store the copy of the SWPPP, reasonable local access to a copy of the SWPPP during normal working hours (e.g., at a local library or government building), must be provided and the location of the SWPPP, along with a contact phone number, shall be posted on site at a publicly-accessible location. For linear construction projects, such as pipelines, the posted notice shall be located at a publicly accessible location near the active part of the construction project.
- 3.2.2. SWPPP Availability. The Permittee shall make the copy of the SWPPP that is kept on-site or kept locally available for review upon request to the Executive Secretary; EPA; other local agencies approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or to the operators of a municipal separate storm sewer receiving discharges from the site. The Permittee need not provide a free copy of the SWPPP to these entities upon request, but if it chooses not to do so, it shall keep two copies of the SWPPP, in its entirety, and shall allow these entities to borrow one to make a copy at their own expense.
- 3.2.3. Original SWPPP. If requested by the Executive Secretary, the original SWPPP, including any previous versions requested, shall be provided to the Executive Secretary within five working days of the request. The original provided shall be signed in accordance with Part 5.16 of this Permit.
- 3.2.4. SWPPP Availability to the Public. The Permittee shall also make a copy of the SWPPP available to the public to review at reasonable times during regular business hours. Advance notice by the public of the desire to view the SWPPP may be required, not to exceed two working days. The Permittee need not provide a free copy of the SWPPP to members of the public, but if it chooses not to do so, it shall

- keep two copies of the SWPPP, in its entirety, and shall allow members of the public to borrow one to make a copy at their own expense.
- 3.2.5. Compelled Revisions. The Executive Secretary, or an authorized representative of the Executive Secretary, may notify the Permittee (co-Permittees) at any time that the SWPPP does not meet one or more of the minimum requirements of this Part 3. Such notification shall identify those provisions of the Permit which are not being met by the SWPPP, and identify which provisions of the SWPPP require modifications in order to meet the minimum requirements of this Part 3. Within 7 days of such notification from the Executive Secretary, (or as otherwise provided by the Executive Secretary), or authorized representative, the Permittee shall make the required changes to the SWPPP and shall submit to the Executive Secretary a written certification that the changes have been made. The Executive Secretary may take appropriate enforcement action for the period of time the Permittee was operating under a SWPPP that did not meet the minimum requirements of the Permit.
- 3.2.6. All SWPPPs must be signed and certified in accordance with Part 5.16 of this Permit.
- 3.3. Keeping SWPPPs Current.
- 3.3.1. The Permittee shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the SWPPP.
- 3.3.2. The Permittee shall amend the SWPPP whenever inspections or investigations by site operators, local, state, or federal officials indicate the SWPPP is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under Part 3.5.1 of this Permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity.
- 3.3.3. The Permittee shall amend the SWPPP whenever a new owner/operator becomes responsible for implementing all or part of the SWPPP, as further described in Part 3.4 and Part 4.3 of this Permit.
- 3.3.4. The following records of activities shall be maintained as part of the SWPPP:
- Dates when major grading activities occur;
 - Dates when construction activities temporarily or permanently cease on a portion of or all of the site; and
 - Dates when stabilization measures are initiated.
- 3.3.5. Once an area has been finally stabilized, the Permittee may identify this area in the SWPPP and no further SWPPP or inspection requirements shall apply to that area.
- 3.4. More than one Permittee. A SWPPP may identify more than one Permittee and may specify the responsibilities of each Permittee by task, area, and/or timing. Permittees may coordinate and prepare more than one SWPPP to accomplish this. However, in the event there is a requirement under the SWPPP for which responsibility is ambiguous or is not included in the SWPPP(s), each Permittee shall be responsible for implementation of that requirement. Each Permittee is also responsible for assuring that its activities do not render another Permittee's controls ineffective.

3.5. Contents of SWPPP. The SWPPP shall include the following items:

3.5.1. Site Description. Each SWPPP shall provide a description of pollutant sources and other information as indicated:

- a. A description of the nature of the construction activity;
- b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities, and infrastructure installation);
- c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities, including areas for construction support;
- d. An estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
- e. A general location map (e.g. portion of a city or county map or similar scale) and a site map indicating:
 - 1) drainage patterns and approximate slopes anticipated after major grading activities;
 - 2) construction boundaries and a description of existing vegetation prior to grading activities;
 - 3) areas of soil disturbance, and areas of no disturbance;
 - 4) the location of major structures and nonstructural controls identified in the SWPPP;
 - 5) Locations of areas used for construction support;
 - 6) the location of areas where stabilization practices are expected to occur;
 - 7) the location of surface waters (including wetlands); and
 - 8) locations where storm water is discharged or will discharge to a surface water;
- f. A description of any discharge associated with industrial activity other than construction at the site (including storm water discharges from dedicated portable asphalt plants and dedicated portable concrete plants), whether or not those discharges are covered by the Permit; and the location of that activity;
- g. The name of the receiving water(s), and aerial extent of wetland acreage at the site; and
- h. A copy of this Permit.

3.5.2. Controls. The SWPPP shall employ best management practices to control pollutants in storm water discharges. Each plan shall include a description of appropriate controls and measures that will be implemented during construction activity and while the site is unstabilized. The plan must clearly describe for each major activity identified in Part 3.5.1(b) appropriate control measures and the timing during the construction process that the measures will be implemented. The description and implementation of controls shall address the following minimum components:

- a. Erosion and Sediment Controls.
 - 1) Short and Long Term Goals and Criteria:
 - A) The construction-phase erosion and sediment controls should be designed to retain sediment on site to the maximum extent

- practicable.
- B) All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, incorrectly, or is ineffective the Permittee must replace or modify the control for site situations.
 - C) If sediments escape the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize the possibility of offsite impacts such as fugitive sediments washing into storm sewers by the next rain or posing a safety hazard to users of public streets.
 - D) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.
 - E) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g. screening outfalls, picked up daily, etc.).
 - F) Offsite material storage areas (also including overburden and stockpiles of dirt, etc.) used solely by the Permitted project are considered a part of the project and, unless a Permittee submits a separate NOI for such areas or they are subject to a separate UPDES permit, they shall be addressed in the SWPPP.
- 2) Stabilization Practices. A description of existing interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. SWPPPs should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geo-textiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Except as provided in paragraphs (A) and (B) below (Parts 3.5.2(a)(2)(A) and (B)), stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- A) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.
 - B) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of the site.
- 3) Structural Practices. The permittee shall provide a description of

structural practices that divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to Section 404 of the federal Clean Water Act ("CWA").

- A) 10 Acre Sediment Basin Requirement. Where attainable, for common drainage locations that serve areas with 10 or more acres disturbed at one time, the Permittee shall provide a temporary (or permanent) sediment basin that provides storage for a 10 year, 24 hour storm event, a calculated volume of runoff for disturbed acres drained, or equivalent control measures, until final stabilization of the site. Where calculations are not performed, a sediment basin providing 3,600 cubic feet of storage per acre drained (a 1 inch storm event), or equivalent control measures, shall be provided where attainable until final stabilization of the site. The required sizing of the sediment basin does not include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, factors such as site soils, slope, and available area on site shall be considered. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps (with comparable storage) must be used; or
- (i) at a minimum, equivalent controls in silt fences, vegetative buffer strips, sod, mulch, geo-textiles, stepped check dams, pipe slope drains or other sediment or erosion controls are required for all erodible areas, down slope boundaries of the construction area and side slope boundaries deemed appropriate as dictated by individual site conditions; or
 - (ii) it can be shown that site meteorological conditions do not warrant equivalent storage during the time period the 10-acres are destabilized (little or no chance of precipitation for the period of surface destabilization).
- B) Less Than 10 Acre BMP Requirement. For drainage locations serving less than 10 acres, sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for

3,600 cubic feet of storage per acre drained is provided.

- b. Storm Water Management. Description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This Permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site. However, post-construction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate UPDES permit and are likely regulated under local municipal requirements.
- 1) Such measures may include:
 - A) storm water detention structures (including wet ponds);
 - B) storm water retention structures;
 - C) flow-attenuation by use of open vegetated swales and natural depressions;
 - D) infiltration of runoff onsite; and
 - E) sequential systems (which combine several practices).
 - 2) The SWPPP shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.
 - 3) Storm water velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel for the purpose of providing a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected. The objective is to minimize significant changes in the hydrological regime of the receiving water.
- c. Other Controls.
- 1) Waste Disposal. No solid materials, including building materials, shall be discharged to waters of the State, except as authorized by a federal CWA Section 404 permits.
 - 2) Off-site Tracking. Off-site vehicle tracking of sediments and the generation of dust shall be minimized.
 - 3) Septic, Waste, and Sanitary Sewer Disposal. The SWPPP shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.
 - 4) Exposure to Construction Materials. The SWPPP shall include a narrative description of practices to reduce pollutants from construction related materials which are stored onsite including an inventory of construction materials (including waste materials), storage practices to minimize exposure of the materials to storm water, and spill prevention and

response.

- 5) Support Areas. A description of pollutant sources from areas other than construction (including storm water discharges from dedicated portable asphalt plants and dedicated portable concrete plants), and a description of controls and measures that will be implemented at those sites.
- d. Other Laws and Requirements.
 - 1) Local Storm Water Control Requirements. This Permit does not relieve the Permittee from compliance with other laws effecting erosion and sediment control or requirements for the permanent storm water system. Where applicable, compliance efforts to these requirements should be reflected in the SWPPP.
 - 2) Threatened or Endangered Species & Historic Properties. This Permit does not relieve the Permittee from compliance with Federal or State laws pertaining to threatened or endangered species or historic properties. Where applicable compliance efforts to these laws should be reflected in the SWPPP.
 - 3) Variance of Permit Requirements. Dischargers seeking alternative permit requirements shall submit an individual UPDES permit application in accordance with applicable law to the address indicated in Part 5.11 of this Permit, along with a description of why requirements in this Permit should not be applicable as a condition of a UPDES permit.

3.5.3. Maintenance. All vegetation, erosion and sediment control measures and other protective measures identified in the SWPPP shall be maintained in effective operating condition. A description of procedures to ensure the timely maintenance of these measures shall be identified in the SWPPP. Maintenance needs identified in inspections or by other means shall be accomplished before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

3.5.4. Inspections.

- a. Inspections must be conducted in accordance with one of the two schedules listed below. The Permittee shall specify in its SWPPP which schedule it will be following.
 - 1) At least once every 7 calendar days; or
 - 2) At least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
- b. Inspection frequency may be reduced to at least once every month if:
 - 1) The entire site is temporarily stabilized; or
 - 2) Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen).
- c. The inspection requirement is waived until one month before thawing conditions are expected to result in a discharge if all of the following requirements are met:
 - 1) The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month);

- 2) Land disturbance activities have been suspended; and
 - 3) The beginning and ending dates of the waiver period are documented in the SWPPP.
- d. Inspections must be conducted by qualified personnel (provided by the operator or cooperatively by multiple operators). "Qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.
- e. Inspections must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the storm water conveyance system. Sedimentation and erosion control measures identified in the SWPPP must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.
- f. Inspections at construction sites involving utility line installation, pipeline construction, and other long, narrow, linear construction may be more limited if the areas described in Part 3.5.4(e) of this Permit are not reasonably accessible or could cause additional disturbance of soils and increase the potential for erosion. In these circumstances, controls must be inspected at the same frequency as other construction projects, but personnel may instead inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described above. In the absence of evidence to the contrary, the conditions of the controls along each inspected 0.25 mile segment may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile segment to either the end of the next 0.25 mile inspected segment, or to the end of the project, whichever occurs first.
- g. For each inspection required above, the inspector must complete an inspection report. At a minimum, the inspection report must include:
- 1) The inspection date;
 - 2) Names, titles, and qualifications of personnel making the inspection;
 - 3) Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
 - 4) Weather information and a description of any discharges occurring at the time of the inspection;
 - 5) Location(s) of discharges of sediment or other pollutants from the site;

- 6) Location(s) of BMPs that need to be maintained;
 - 7) Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 - 8) Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
 - 9) Corrective action required including any changes to the SWPPP necessary and implementation dates.
- h. A record of each inspection and of any actions taken in accordance with this Part 3 must be retained as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance with the permit conditions. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or site is in compliance with the SWPPP and this permit. The report must be signed in accordance with Part 5.16 of this Permit.

- 3.5.5. Non-Storm Water Discharges. Except for flows from fire fighting activities, sources of non-storm water listed in Part 1.5 of this Permit that are combined with storm water discharges associated with industrial activity must be identified in the SWPPP. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

PART 4 . TERMINATION/CHANGES IN OWNER/OPERATOR FOR SITE

- 4.1. Termination of Coverage: Permittees may or shall (as specified) terminate coverage under this Permit under the following conditions:
- 4.1.1. Completion of construction activities and site stabilization: Permittees shall terminate coverage under this Permit by submitting a Notice of Termination (“NOT”) within thirty days after completion of all construction activities, completion of final stabilization of all areas of the site as defined in Part 6.15. The NOT shall be submitted on the form specified by the Executive Secretary.
 - 4.1.2. Partial completion of construction activities and site stabilization: A Permittee who, as specified in Part 3.4 of this Permit, is identified in the SWPPP as responsible for a specific area may terminate coverage under this Permit by submitting an NOT within thirty days after completion, for that area, of all construction activities, completion of final stabilization of all areas for which the Permittee was responsible and that were disturbed. The NOT shall be submitted on the form specified by the Executive Secretary, and the Permittee shall indicate on the form that it is a partial NOT.
 - 4.1.3. New responsible owner/operator: A Permittee may terminate its coverage under this Permit by submitting an NOT if another party (or parties) assumes responsibility for all remaining SWPPP requirements. Termination of the Permittee’s responsibilities under the SWPPP will not be final until the other party (or parties) submits an NOI. If the new responsible owner/operator fails to submit an NOI, the Permittee may complete termination by demonstrating to the Executive Secretary that it has entered into contracts that obligate the new owner/operator to undertake all remaining responsibilities under the SWPPP.
- 4.2. Conditions for Submitting an NOT: A Permittee may not submit an NOT unless it meets the requirements specified in Part 4.1. Appropriate enforcement actions may be taken if an NOT is submitted without these requirements having been met, and the Permittee may also continue to be responsible for any Permit violations.
- 4.3. Updating the SWPPP: If an NOT is submitted under Part 4.1.2 or 4.1.3, the SWPPP shall be updated by the remaining Permittee(s) to meet the requirements of Part 3.4 of the Permit.

PART 5. STANDARD PERMIT CONDITIONS

5.1. Duty to Comply.

5.1.1. The Permittee must comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

5.1.2. Penalties for Violations of Permit Conditions.

a. Violations. The Act provides that any person who violates the Act, Utah wastewater rules, or conditions of a permit issued under the Act is subject to a fine of \$10,000 per day.

b. Willful or Gross Negligence. The Act provides that any person who discharges a pollutant to waters of the State as a result of criminal negligence or who intentionally discharges is criminally liable and is subject to imprisonment and a fine of up to \$50,000 per day. Utah Code Ann. § 19-5-115.

c. False Statements. The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act, the rules, or this Permit, or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for 6 months, or by both. Utah Code Ann. § 19-5-115(4).

5.2. Duty to Reapply. If a Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, it must apply for and obtain a new permit except as provided in Part 2.4 of this Permit.

5.3. Need to halt or reduce activity not a defense. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

5.4. Duty to Mitigate. The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment.

5.5. Duty to Provide Information. The Permittee shall furnish to the Executive Secretary or an authorized representative, within a reasonable time, any information which is requested to determine compliance with this Permit. The Permittee must also furnish to the Executive Secretary or an authorized representative copies of records to be kept by this Permit.

5.6. Other Information. When the Permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Executive Secretary, he or she shall promptly submit such facts or information.

- 5.7. Oil and Hazardous Substance Liability. Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under the "Act".
- 5.8. Property Rights. The issuance of this Permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- 5.9. Severability. The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit shall not be affected thereby.
- 5.10. Record Retention.
- 5.10.1. The Permittee shall retain copies of SWPPPs and all reports required by this Permit, and records of all data used to complete the Notice of Intent to be covered by this Permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of the Executive Secretary at any time.
 - 5.10.2. After final stabilization of the construction site is complete, the SWPPP is no longer required to be maintained on site, but may be maintained by the Permittee(s) at its primary headquarters. Access to the SWPPP will continue as described in Part 3.2, however.
- 5.11. Addresses. All written correspondence under this permit shall be directed to the Division of Water Quality at the following address:
- Department of Environmental Quality
Division of Water Quality
288 North 1460 West
PO Box 144870
Salt Lake City, Utah 84114-4870
- 5.12. State Laws.
- 5.12.1. Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Utah Code Ann. § 19-5-117.
 - 5.12.2. No condition of this Permit shall release the Permittee from any responsibility or requirements under other environmental statutes or regulations.
- 5.13. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions

of this Permit and with the requirements of SWPPPs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a Permittee only when necessary to achieve compliance with the conditions of the Permit.

5.14. Inspection and Entry. The Permittee shall allow, upon presentation of credentials, the Executive Secretary or an authorized representative:

- 5.14.1. To enter upon the Permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this Permit;
- 5.14.2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this Permit;
- 5.14.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- 5.14.4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by law, any substances or parameters at any location.

5.15. Reopener Clause.

- 5.15.1. Reopener Due to Water Quality Impacts. If there is evidence indicating that the storm water discharges authorized by this Permit cause, have the reasonable potential to cause or contribute to, a violation of a water quality standard, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with Part 2.3 of this Permit or the Permit may be modified to include different limitations and/or requirements.
- 5.15.2. Reopener Guidelines. Permit modification or revocation will be conducted according to UAC R317-8-5.6 and UAC R317-8-6.2.
- 5.15.3. Permit Actions. This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Permit condition.

5.16. Signatory Requirements.

- 5.16.1. All Notices of Intent, SWPPPs, reports, certifications or information submitted to the Executive Secretary, or that this Permit requires be maintained by the Permittee, shall be signed as follows:
 - a. All Notices of Intent shall be signed as follows:
 - 1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign

- documents has been assigned or delegated to the manager in accordance with corporate procedures;
- 2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - 3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).
- b. All reports required by the Permit and other information requested by the Executive Secretary or by an authorized representative of the Executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 1) The authorization is made in writing by a person described above and submitted to the Executive Secretary; and
 - 2) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated site, facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
- c. Certification. Any person signing documents under this Part 5.16 shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- 5.16.2. If a document is to be signed electronically, the Division's rules regarding electronic transactions govern.

PART 6. DEFINITIONS

As used in this Permit:

- 6.1. "Act" means the "Utah Water Quality Act"
- 6.2. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 6.3. "Common plan of development or sale" means one plan for development or sale, separate parts of which are related by any announcement, piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, plat, blueprint, contract, permit application, zoning request, computer design, etc.), physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.), or continuing obligation (including contracts) that identify the scope of the project. A plan may still be a common plan of development or sale even if it is taking place in separate stages or phases, is planned in combination with other construction activities, or is implemented by different owners or operators.
- 6.4. "Commencement of Construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
- 6.5. "Construction activity" means soil disturbing activities such as clearing, grading, and excavating of land. The term also includes construction support activities.
- 6.6. "Construction support activities" means construction material and equipment storage and maintenance, concrete or asphalt batch plants, except as provided in Part 1.4.3 of this Permit.
- 6.7. "Control Measure" refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.
- 6.8. "CWA" means Clean Water Act or the Federal Water Pollution Control Act.
- 6.9. "Dedicated portable asphalt plant" means a portable asphalt plant that is located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to.
- 6.10. "Dedicated portable concrete plant" means a portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.
- 6.11. "Discharge," when used without qualification, means the discharge of a pollutant.

- 6.12. "EPA" means the United States Environmental Protection Agency.
- 6.13. "Eligible" means qualified for authorization to discharge storm water under this general permit.
- 6.14. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
- 6.15. "Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geo-textiles) have been employed. In some parts of the country, background native vegetation will cover less than 100% of the ground (e.g. arid areas). Establishing at least 70% of the natural cover of native vegetation meets the vegetative cover criteria for final stabilization. For example, if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization. For individual lots in residential construction, final stabilization means that either the homebuilder has completed final stabilization as specified above, or the homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and has obligated the homeowner, by contract, to complete the requirements for final stabilization within two years.
- 6.16. "Indian Country" is defined as in 40 CFR §122.2 to mean:
1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
 2. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
 3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.
- 6.17. "Municipal Separate Storm Sewer System" refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, county, district, association, or other public body having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer districts, flood control districts or drainage districts, or similar entity that discharges to waters of the State.
- 6.18. "NOI" means notice of intent to be covered by this Permit.
- 6.19. "NOT" means notice of termination.
- 6.20. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system,

vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

- 6.21. "Runoff coefficient" means the fraction of total rainfall that will appear at conveyance as runoff.
- 6.22. "Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.
- 6.23. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 6.24. "Storm water discharge associated with industrial activity" is defined in the Utah Administrative Code (UAC) R317-8-3.9(6)(c) & (d) and incorporated here by reference. Most relevant to this Permit is UAC R317-8-3.9(6)(d)10, which relates to construction activity including clearing, grading and excavation activities.
- 6.25. SWPPP means Storm Water Pollution Prevention Plan, referring to the plan required in Part 3 of this Permit.
- 6.26. "Total Maximum Daily Load" or "TMDL" means the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.
- 6.27. Waters of the State means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be waters of the state (UAC R317-1-1.31).

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Utah RSI Manual

STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY
288 North 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870 (801)538-6146

NOI

Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity Under the UPDES General Permit No. UTR300000. SEE REVERSE FOR INSTRUCTIONS

Submission of this Notice of Intent constitutes notice that the party(s) identified in Section I of this form intends to be authorized by UPDES General Permit No. UTR300000 issued for storm water discharges associated with construction activity in the State of Utah. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.

Is this NOI seeking continuation for previously expired permit coverage at the same site? Y ☐ N ☐

If yes, what is the number of the previous permit coverage? Permit No. UTR

I. OPERATOR INFORMATION

Date NOI is received at DWQ _____ (to be completed by DWQ)

Name (Main operator): _____ Phone: _____

Address: _____ Status of Owner/Operator: _____

City: _____ State: _____ Zip: _____

Contact Person: _____ Phone: _____

Name (1st Co-permittee): _____ Phone: _____

Address: _____ Status of Owner/Operator: _____

City: _____ State: _____ Zip: _____

Contact Person: _____ Phone: _____

Name (2nd Co-permittee): _____ Phone: _____

Address: _____ Status of Owner/Operator: _____

City: _____ State: _____ Zip: _____

Contact Person: _____ Phone: _____

Name (3rd Co-permittee): _____ Phone: _____

Address: _____ Status of Owner/Operator: _____

City: _____ State: _____ Zip: _____

Contact Person: _____ Phone: _____

Please copy this form if you have more co-permittees than what is allowed on this form.

II. FACILITY SITE / LOCATION INFORMATION

Name: _____

Project No. (if any): _____

Address: _____ County: _____

City: _____ State: _____ Zip: _____

Latitude: _____ Longitude: _____

Method (check one): ☐ USGS Topo Map, Scale _____ ☐ EPA Web site ☐ GPS ☐ Other

Is the facility located
in Indian Country?

Y ☐ N ☐

INSTRUCTION Manual

Notice Of Intent (NOI) For Permit Coverage Under the UPDES General Permit For Storm Water Discharges From Construction Activities

Who Must File A Notice Of Intent (NOI) Form State law at UAC R317-8-3.9 prohibits point source discharges of storm water from construction activities to a water body(ies) of the State without a Utah Pollutant Discharge Elimination System (UPDES) permit. The operator of a construction activity that has such a storm water discharge must submit a NOI to obtain coverage under the UPDES Storm Water General Permit. If you have questions about whether you need a permit under the UPDES Storm Water program, or if you need information as to whether a particular program is administered by EPA or a state agency, contact the storm water coordinator at (801) 538-6146.

Where To File NOI Form NOIs, with fee payment(s), must be sent to the following address:

Department of Environmental Quality
Division of Water Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870

(The NOI can also be completed on line at
<http://www.waterquality.utah.gov/UPDES/stormwatercon.htm>)

Beginning of Coverage Storm Water General Permits cover a facility quickly avoiding delays, therefore coverage is immediate after submitting an NOI with submission of the permit fee. The permittee should be aware that though you may not have a permit in hand, if you have sent in a completed NOI with the permit fee you are covered by the conditions in the permit and will be expected to comply with these conditions. If you wish, contact the Division of Water Quality at (801) 538-6146 to receive a generic copy of the permit or you can print a copy from the DWQ web site or it can be downloaded during the on line application process.

Permit Fees (MAKE CHECKS PAYABLE TO: DIVISION OF WATER QUALITY) Construction projects are prorated from the time they begin disturbing ground until the time the disturbed surface is stabilized, and the permit is terminated by the permittee with a submittal of a Notice of Termination (NOT) form. That time period may or may not be that same time period as what could be considered project start date and project end date. Fees are prorated at \$8.34 per month of coverage needed, except there is a \$100 minimum and a \$500.00 maximum. EXAMPLE: if you need 5 months of coverage: $5 \times \$8.34 = \41.70 , then you will need to submit the \$100 minimum, if 18 months of coverage is needed: $18 \times \$8.34 = \150.12 , your total fee will be \$150.12. The \$500.00 maximum will provide permit coverage for five years and then expire at the end of the five year period. Permit coverage is calculated on the dollar amount of the permit fee submitted. The minimum time period that a permit can be issued for is one year. If stabilization occurs before one year, the permittee must submit an NOT. State or local political subdivisions are exempt from the permit fee. The fee must be received with the NOI before permit coverage is given.

Length of Coverage: Storm Water Construction Permits get coverage starting on the day that the NOI and fee payment is received at DWQ (on line if that is the case) and ending on the date that the fee pays up to. The minimum fee is \$100, therefore all permits where the minimum fee is paid will automatically receive coverage for one year. If a permittee does not need coverage for a full year and does not want to be held accountable for permit conditions, they must submit the NOT (associated with the permit) after the site has been stabilized (or when other requirements are met so that the permittee can legally terminate the permit) to terminate coverage.

The Storm Water General Permit for Construction Activities UTR300000 will expire on June 30, 2013.

SECTION I - FACILITY OPERATOR INFORMATION Give the legal name(s) of the person(s), firm(s), public organization(s), or any other entity(ies) that conducts the construction operation at the facility or site described in this application. The name of the operator(s) may be the developer, the owner, the general contractor, the design firm, the excavation contractor and/or others (e.g. anyone that fits the definition of operator). An operator is anyone that has control over site/project specifications and/or control of day to day operational activities. Do not use a colloquial name.

Enter the complete address and telephone number of the operator(s). Enter the appropriate letter to indicate the legal status of the operator of the facility.
F = Federal M = Public (other than Fed or State) S = State P = Private

SECTION II - FACILITY/SITE LOCATION INFORMATION Enter the facility name or legal name and project number (if any) of the site and complete street address, including city, state and ZIP code. The latitude and longitude of the facility must be included to the approximate centroid of the site, and the method of how the Lat/Long was obtained (USGS maps, GPS, Internet Map sites [such as Google Earth], other). The township and range is desirable but not necessary.

Indicate whether the facility is located in Indian Country. If the facility is located in Indian Country, do not complete this NOI, instead complete form 3510-6 and submit to EPA Region VIII except for facilities on the Navajo Reservation or on the Goshute Reservation which should submit EPA form 3510-6 to Region IX.

SECTION III - SITE ACTIVITY INFORMATION If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name) and the receiving water of the discharge from the MS4 if it is known (if it is not known please estimate or guess and indicate so). (An MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, county, district, association or other public body which is designed or used for collecting or conveying storm water).

SECTION IV - TYPE OF CONSTRUCTION Check each type of construction that applies to this application.

SECTION V - BEST MANAGEMENT PRACTICES Check each type of best management practice that will be used to control storm water runoff at the job site.

SECTION VI - ADDITIONAL INFORMATION REQUIRED Enter the project start date and the estimated completion date for the entire development plan. All coverage's issued under this NOI terminate on June 30, 2013. Provide an estimate of the total number of acres of the site on which soil will be disturbed (round to the nearest acre). Indicate whether the storm water pollution prevention plan for the site is in compliance with approved state and/or local sediment and erosion plans, permits, or storm water management plans.

SECTION VII - CERTIFICATION State statutes provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

POLLUTION PREVENTION PLAN A storm water pollution prevention plan (SWP3) is required to be in hand before the NOI can be submitted. It is important to know SWP3 requirements (contained in the permit) even during the design portion of the project. A copy of the permit can be obtained from the Division of Water Quality's storm water construction web site. Guidance material for developing a SWP3 can be obtained from EPA (NTIS) or copied from EPA material at the Division of Water Quality's storm water construction web site.

NOTICE OF TERMINATION (NOT) A completed Notice of Termination (NOT) form is required to terminate your permit at the end of construction. Please complete the NOT form, including the project's assigned permit number, and return it to the Division of Water Quality. If you apply on line you will receive a partially filled out NOT at the time of application for which you will need to fill in the termination date and provide a signature for submission. Please contact the storm water coordinator at (801) 538-6146 for any questions or for a copy of the NOT form.

III. SITE ACTIVITY INFORMATION

Municipal Separate Storm Sewer System (MS4) Operator Name: _____

Receiving Water Body: _____ (this is known ☐ this is a guess ☐)

Estimate of distance to the nearest water body? _____ ft. miles. (circle one)

List the Number of any other UPDES permits at the site: _____

IV. TYPE OF CONSTRUCTION (Check all that apply)

1. ☐ Residential 2. ☐ Commercial 3. ☐ Industrial 4. ☐ Road 5. ☐ Bridge 6. ☐ Utility7. ☐ Contouring, Landscaping 8. ☐ Other (Please list) _____

V. BEST MANAGEMENT PRACTICES

Identify proposed Best Management Practices (BMPs) to reduce pollutants in storm water discharges: (Check all that apply)

1. ☐ Silt Fences 2. ☐ Sediment Pond 3. ☐ Seeding/Preservation of Vegetation 4. ☐ Mulching/Geotextiles5. ☐ Check Dams 6. ☐ Structural Controls (Berms, Ditches, etc.)7. ☐ Other (Please list) _____

VI. ADDITIONAL INFORMATION REQUIRED

A storm water pollution prevention plan has been prepared for this site and is to the best of my knowledge in Compliance with State and/or Local Sediment and Erosion Plans and Requirements. Y ☐ N ☐
(A pollution prevention plan is required to be on hand before submittal of the NOI.)

Project Start Date: _____ Completion Date: _____ (All coverage's issued under this NOI will terminate on June 30, 2013)

VII. CERTIFICATION: I certify under penalty of law that I have read and understand the *Part 1* eligibility requirements for coverage under the general permit for storm water discharges from construction activities. I further certify that to the best of my knowledge, all discharges and BMPs that have been scheduled and detailed in a pollution prevention plan will satisfy requirements of *Part 1*, and *Part 3* of this permit. I understand that continued coverage under this storm water general permit is contingent upon maintaining eligibility as provided for in *Part 1*.

I also certify under penalty of law that this document and all attachments were prepared under the direction or supervision of those who have placed their signature below, in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name (of responsible person for the main operator from first page): _____

Date: _____

Signature: _____

Print Name (of responsible person for the 1st co-permittee from first page): _____

Date: _____

Signature: _____

Print Name (of responsible person for the 2nd co-permittee from first page): _____

Date: _____

Signature: _____

Print Name (of responsible person for 3rd co-permittee from first page): _____

Date: _____

Signature: A29

Amount of Permit Fee Enclosed: \$ _____

STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY

288 North 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870

NOT

Notice of Termination (NOT) for Storm Water Discharges Associated with Construction Activity Under the UPDES General Permit No. UTR 200000 or UTR300000.
SEE REVERSE FOR INSTRUCTIONS

Submission of this Notice of Termination constitutes notice that the operator and/or co-permittee identified in Section II of this form is no longer authorized to discharge storm water associated with industrial activity under the UPDES program from that portion of the site for which they are responsible as indicated in the SWPPP. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.

I. Permit Information

UPDES Storm Water General Permit Number: _____

Final stabilization has been achieved on all portions of the site for which you are responsible; Partial site NOT: ☐ Full site NOT: ☐

Another party has assumed control of the site for which you are responsible through appropriate transfer of responsibility: Partial site ☐
 Full site ☐

Coverage under another Storm Water Construction permit or an alternative UPDES permit has been obtained: Partial site ☐ Full site ☐

For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner: ☐
 (list each of the addresses of the lots transferred to a homeowner on a separate sheet and attach it to this sheet before submitting.)

II. Facility Operator (or co-permittee) Information (the same as was entered on the NOI)

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

If this NOT is for a portion of the site, please send a map from the SWPPP with indications that show which portion of the site this applies to.

III. Facility Site/Location Information (the same as was entered on the NOI)

Name: _____

Address: _____ County: _____

City: _____ State: _____ Zip: _____

Latitude: _____ Longitude: _____

IV. Certification: I certify under penalty of law that either: a) all storm water discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or b) I am no longer an operator at the construction site and a new operator has assumed operational control for those portions of the construction site where I previously had operational control. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with construction activity under this general permit, and that discharging pollutants in storm water associated with construction activity to waters of the State is unlawful under the State of Utah Water Quality Act where the discharge is not authorized by a UPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Water Quality Act.

Print Name: _____

Date: _____

Signature: _____

Utah RSI Manual

Instructions for Completing Notice of Termination (NOT) Form

Who May File A Notice Of Termination (NOT) Form

Permittees who are presently covered under the State issued Utah Pollutant Discharge Elimination System (UPDES) General Storm Water Permit for Construction Activity may submit a notice of termination (NOT) form when their facilities no longer have any storm water discharges associated with industrial activity as defined in the storm water regulations at UAC R317-8-3.9(b)(c) and (d), or when they are no longer the operator of the facilities.

For construction activities, elimination of all storm water discharges associated with industrial activity occurs when disturbed soils at the construction site (or on a portion of the site that this NOT applies to, which if it is a portion of the site this NOT must be accompanied with a map of the site showing which portion) have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all storm water discharges authorized by the UPDES general permit for construction activity have otherwise been eliminated. Final stabilization means that all soil-disturbing activities at the site (or on a specified portion of the site) have been completed, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

Where to File NOT Form

Send this form to the following address:

Division of Water Quality
288 North 1460 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870

Or by Fax
(801) 538-6016

Section I - Permit Information

Enter the existing UPDES Storm Water General Permit number assigned to the facility or site identified in Section III. If you do not know the permit number, contact the Division of Water Quality at (801) 538-6146.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box.

Section II - Facility Operator Information

There may be more than one operator for a construction project. This form must be filled out and submitted by the appropriate operator/co-permittees listed on the notice of intent (NOI) that was submitted for receiving coverage under this permit. In this section give the legal name of the person, firm, public organization, or any other entity that is filed as an operator/co-permittee at the facility or site (or portion of the site) described in this application to terminate coverage. The operator/co-permittee of the facility is the legal entity which controls the sites operation (referring to operation of construction activity) or a portion of it and/or the person dictating the storm water control specifications, rather than the plant or site manager of the finished or rehabilitated facility. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

Section III - Facility/Site Location Information

Enter the facility's or site's official or legal name and complete address, including city, state and ZIP code and the latitude and longitude of the facility at the approximate center of the site (as was reported on the NOI), and that portion of the site as indicated in the SWPPP that is being terminated.

Section IV - Certification

State statutes provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (I) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more **manufacturing**, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

For a municipality, State, Federal, or other public facility: by either a principal executive officer or ranking elected official.



UPDES STORM WATER INSPECTION EVALUATION FORM FOR SWPPP COMPLIANCE

Insert City
Logo Here

BACKGROUND INFORMATION

| | | | |
|---|--|-------------------------|--|
| Site Name: | | UPDES Permit #: | |
| Site Address: | | | |
| Local Jurisdiction or County: | | | |
| Permit Effective Date: | | Permit Expiration Date: | |
| Total Project Area: | | Total Disturbed Area: | |
| Project Type: (circle) Subdivision Commercial Industrial Linear (Road/Pipe/Power) Land Disturbance | | | |

OPERATOR CONTACT INFORMATION

| | NAMES | PHONE NUMBERS | E-MAIL |
|--------------------------|-------|---------------|--------|
| Operator: | | | |
| Onsite Facility Contact: | | | |
| Important Contacts: | | | |
| Important Contacts: | | | |

SWPPP PRE-SITE REVIEW INFORMATION

| | YES | NO |
|---|-----|----|
| 1. Has a pre-construction review of the SWPPP been conducted by the appropriate municipal agency? | | |
| 2. Are contact names and telephone numbers listed in the SWPPP? | | |
| 3. Does the SWPPP include a site map showing storm drains, slopes/surface drainage patterns, SW discharge points, construction boundaries, limits of disturbance, surface waters (name of receiving water), structural controls, and does it define/explain non-structural controls? | | |
| 4. Does the SWPPP have an estimate of the area to be disturbed, a sequence of construction activities, the SW runoff coefficient for after completion, a description of the soil types, controls for discharges from (asphalt/concrete) batch plants if any, show wetland areas, and have a description of the nature of the construction activity? | | |
| 5. Does the SWPPP and site map show erosion and sediment controls placement & details (e.g. erosion blankets, mulch, slope drains, check dams, sediment basins, grass-lined channels, fiber rolls, sediment traps, silt fence, inlet protection, curb cut-back, dust control, etc?) | | |
| 6. Does the SWPPP and site map show and describe good housekeeping controls (e.g. track out pad, street sweeping, material storage, construction waste containment and removal, sanitary waste, concrete washout pits, etc) | | |
| 7. Are post-construction elements included in the SWPPP? (i.e. grass swales, detention basins, vegetated filter strips, infiltration, depression storage, landscaping/xeriscaping, discontinuous concrete or hard surface SW conveyance, etc.) | | |
| 8. Does the SWPPP address endangered species and historic preservation? | | |
| 9. Is the SWPPP signed by a responsible corporate officer with the certification statement (see permit part 5.16.c.)? | | |
| 10. Are the NOI and a copy of the State permit in the SWPPP? | | |

NOTICE OF TERMINATION (NOT) INSPECTION

| | | | |
|--|-----|---------------------|-----------|
| Site Name: | | Date of Evaluation: | |
| Site Address: | | | |
| Inspected By: | | Title/Organization: | |
| | YES | NO | COMMENTS: |
| 1. Has the site been properly stabilized according to permit requirements? | | | |
| 2. Have all temporary BMPs been removed? | | | |
| 3. Have post-construction (permanent storm water system) elements been constructed and inspected in accordance with approved project drawings? | | | |
| 4. Is the site acceptably clean? | | | |

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

| | | | |
|--------------|---------|-------------|--------|
| Inspector: | | | |
| (Print Name) | (Title) | (Signature) | (Date) |
| Operator: | | | |
| (Print Name) | (Title) | (Signature) | (Date) |

modified 8/12/10



| EPA Form 3560-3 SEV Codes and Descriptions | | | | | |
|--|--|---|-------|--|--|
| DOR11 | | Discharge without a permit | BR19B | | Failure to properly operate and maintain BMP's |
| DOR18 | | Failure to apply for a Notice of Termination | BR19A | | Failure to properly install/implement BMP's |
| BOR12 | | Failure to conduct inspections | EOR16 | | Failure to submit required report (non-DMR) |
| BOC17 | | Failure to develop any or adequate SWPPP/SWMP | AOR22 | | Narrative effluent violation |
| BOC18 | | Failure to implement SWPPP/SWMP | DOR12 | | Failure to submit required permit information |
| BOR41 | | Failure to maintain records | AOR12 | | Numeric effluent violation |
| COR11 | | Failure to monitor | BOR42 | | Violation of a milestone in an order |

Utah RSI Manual

| Site: Your Construction Site State: Utah | | EPA Regulation Reference | Utah Regulation Reference | Included in Plan/On Site (Y/N) | Potential EPA E.S.O Penalty Amount |
|---|--|--------------------------------|---------------------------------|--------------------------------------|--|
| 1 | Operator(s) in control of site specifications permitted before construction | CWA 301 | UTSWGPart 1.1 | | \$500/mo |
| 2 | Operator(s) in control of day-to-day activities permitted before construction | CWA 301 | UTSWGPart 1.1 | | \$500/mo |
| 3 | SWPPP prepared | CGP 3.1.A | UTSWGPart 3.1 | | \$4000 |
| 4 | SWPPP prepared before NOI submitted | CGP 3.1.A | UTSWGPart 3.1 | | \$500 |
| | a. Not signed or certified | CGP 3.7 | UTSWGPart 3.2.6 | | \$250 |
| 5 | SWPPP identifies all potential sources of pollution to include: portable toilets, fuel tanks, staging areas, waste bins, chemical storage areas, concrete curing, paints, solvents, etc... | CGP 3.1.B | UTSWGPart 3.5.1 | | \$250 |
| 6 | SWPPP identifies all operators for the project site and the areas of the site over which each operator has control | CGP 3.3.A | UTSWGPart 3 | | \$500 |
| | SWPPP has site description, as follows: | | | | |
| | a. Nature of activity in description | CGP 3.3.B.1 | UTSWGPart 3 | | \$100 |
| | b. Intended sequence of major activities | CGP 3.3.B.2 | UTSWGPart 3 | | \$100 |
| | c. Total disturbed acreage | CGP 3.3.B.3 | UTSWGPart 3 | | \$100 |
| | d. General location map | CGP 3.3.B.4 | UTSWGPart 3 | | \$100 |
| | e. Site map | CGP 3.3.C | UTSWGPart 3 | | \$500 |
| | f. Site map shows | | | | |
| | 1. drainage patterns, | CGP 3.3.C 1-8 | UTSWGPart 3 | | \$50 |
| | 2. slopes, | CGP 3.3.C 1-8 | UTSWGPart 3 | | \$50 |
| | 3. areas of disturbance, | CGP 3.3.C 1-8 | UTSWGPart 3 | | \$50 |
| | 4. locations of major controls, | CGP 3.3.C 1-8 | UTSWGPart 3 | | \$50 |
| | 5. structural practices shown, | CGP 3.3.C 1-8 | UTSWGPart 3 | | \$50 |
| | 6. stabilization practices, | CGP 3.3.C 1-8 | UTSWGPart 3 | | \$50 |
| | 7. Offsite materials, waste, borrow or equipment storage areas, | CGP 3.3.C 1-8 | UTSWGPart 3 | | \$50 |
| | 8. surface waters, | CGP 3.3.C 1-8 | UTSWGPart 3 | | \$50 |
| | 9. discharge points, | CGP 3.3.C 1-8 | UTSWGPart 3 | | \$50 |
| | 10. areas of final stabilization | CGP 3.3.C 1-8 | UTSWGPart 3 | | \$50 |
| | g. Name and/or description of receiving water | CGP 3.3.D | UTSWGPart 3 | | \$250 |
| | h. location/description of industrial activities, like concrete or asphalt batch plants | CGP 3.3.E | UTSWGPart 3 | | \$500 |
| 7 | SWPPP includes: | | | | |
| | a. Describe all pollution control measures | CGP 3.4.A | UTSWGPart 3 | | \$750 |
| | b. Describe sequence for implementation | CGP 3.4.A | UTSWGPart 3 | | \$250 |
| | c. Detail operator(s) responsible for implementation | CGP 3.4.A | UTSWGPart 3 | | \$250 |
| 8 | SWPPP describes interim stabilization practices | CGP 3.4.B | UTSWGPart 3.5.2 | | \$250 |
| 9 | SWPPP describes permanent stabilization practices | CGP 3.4.B | UTSWGPart 3.5.2 | | \$250 |
| 10 | SWPPP describes a schedule to implement stabilization practices | CGP 3.4.B | UTSWGPart 3.5.2 | | \$250 |
| 11 | Following dates are documented: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated | CGP 3.4.C 1-3 | UTSWGPart 3.5.1 | | \$250 |

| Site: Your Construction Site State: Utah | | EPA Regulation Reference | Utah Regulation Reference | Included in Plan/On Site (Y/N) | Potential EPA E.S.O Penalty Amount |
|---|--|---|--|---|---|
| 12 | SWPPP has description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas | CGP 3.4.D | UTSWGP Part 3.5.3 | | \$500 |
| 13 | SWPPP has a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur once construction operations have been completed | CGP 3.4.E | UTSWGP Part 3.5.3 | | \$500 |
| 14 | SWPPP describes measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit | CGP 3.4.F | UTSWGP Part 3.5.1 | | \$500 |
| 15 | SWPPP describes measures to minimize off-site vehicle tracking and generation of dust | CGP 3.4.G | UTSWGP Part 3.5.3 | | \$500 |
| 16 | SWPPP includes description of construction or waste materials expected to be stored on site with a description of controls used to reduce pollutants from these materials | CGP 3.4.H | UTSWGP Part 3.5.1 | | \$250 |
| 17 | SWPPP has description of pollutant sources from areas other than construction (asphalt/concrete batch plants) with a description of controls to reduce pollutants from these materials | CGP 3.4.I | UTSWGP Part 3.5.1 | | \$500 |
| 18 | SWPPP identifies allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP | CGP 3.5 | UTSWGP Part 3.5.5 | | \$500 |
| 19 | SWPPP identifies/documents implementation of pollution prevention measures for non-storm water discharges | CGP 3.5 | UTSWGP Part 3.5.5 | | \$500 |
| 20 | Endangered Species Act documentation in SWPPP | CGP 3.7 | UTSWGP Part 3.5.2 | | \$500 |
| 21 | Historic Properties Documentation in SWPPP | CGP 3.8 | UTSWGP Part 3.5.2 | | \$500 |
| 22 | Copy of permit and/or NOI in SWPPP | CGP 3.10 | UTSWGP Part 3.5.1 | | \$250 |
| 23 | SWPPP is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., Ms4 requirements) | | UTSWGP Part 3 | | \$750 |
| 24 | SWPPP has been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans | CGP 3.10 | UTSWGP Part 3.3 | | \$250 |
| 25 | Copies of inspection reports have been retained as part of the SWPPP for 3 years from date permit coverage terminates | CGP 3.11 | UTSWGP Part 3.5.4 | | \$500 |
| 26 | SWPPP has been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, | CGP 3.12.C | UTSWGP Part 3.3 | | \$50 |
| | updates to SWPPP regarding modifications to BMPs made within 7 days of such inspection | CGP 3.12.C | UTSWGP Part 3.5.4 | | \$50 |
| 27 | Copy of SWPPP retained on site | | UTSWGP Part 3.2.2 | | |
| 28 | A SWPPP made available upon request | CGP 3.13.C | UTSWGP Part 3.2.4 | | \$500 |
| 29 | SWPPP signed/certified by permittee | CGP 8.11.B | UTSWGP Part 3.2.6 | | \$500 |

Utah RSI Manual

| Site: Your Construction Site State: Utah | | EPA Regulation Reference | Utah Regulation Reference | Included in Plan/On Site (Y/N) | Potential EPA E.S.O Penalty Amount |
|---|---|--------------------------------|---------------------------------|--------------------------------------|--|
| 30 | Inspections performed: Once every 7 days; or Once every 14 days and within 24 hours at the end of a storm event of 0.5 inches or greater | CGP 3.11.A 1-3 | UTSWGP Part 3.5.4 | | \$75 |
| 31 | Inspections conducted by qualified personnel | CGP 3.11.D | UTSWGP Part 3.5.4d | | \$500 |
| 32 | All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation inspected | CGP 3.11.E | UTSWGP Part 3.5.4e | | \$50 |
| 33 | All pollution control measures inspected to ensure proper operation | CGP 3.11.E | UTSWGP Part 3.5.4e,f | | \$500 |
| 34 | Discharge locations are observed and inspected | CGP 3.11.E | UTSWGP Part 3.5.4e,f | | \$50 |
| 35 | For discharge locations that are not accessible, nearby locations are inspected | CGP 3.11.E | UTSWGP Part 3.5.4e,f | | \$50 |
| 36 | Entrance/exit inspected for off-site tracking | CGP 3.11.E | UTSWGP Part 3.5.4e,f | | \$500 |
| 37 | Site inspection report includes: | | | | |
| | a. date, | CGP 3.11.G 1-8 | UTSWGP Part 3.5.4g | | \$50 |
| | b. name and qualifications of inspector, | CGP 3.11.G 1-8 | UTSWGP Part 3.5.4g | | \$50 |
| | c. weather information, | CGP 3.11.G 1-8 | UTSWGP Part 3.5.4g | | \$50 |
| | d. location of sediment/pollutant discharge, BMP(s) requiring maintenance, | CGP 3.11.G 1-8 | UTSWGP Part 3.5.4g | | \$50 |
| | e. BMP(s) that have failed, | CGP 3.11.G 1-8 | UTSWGP Part 3.5.4g | | \$50 |
| | f. BMP(s) that are needed, | CGP 3.11.G 1-8 | UTSWGP Part 3.5.4g | | \$50 |
| | g. corrective action required including changes/updates to SWPPP and schedule/dates | CGP 3.11.G 1-8 | UTSWGP Part 3.5.4g | | \$50 |
| 38 | Inspection reports properly signed/certified | CGP 3.11.G 8- 11 | UTSWGP Part 3.5.4g | | \$50 |
| 39 | Sign/notice posted | CGP 3.13.B | | | \$250 |
| | a. Contain copy of complete NOI | CGP 3.13.B.1 | | | \$50 |
| | b. Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable noted | CGP 3.13.B.2 | | | \$50 |
| 40 | Control measures are designed to retain sediment on-site | CGP 3.14.A | UTSWGP Part 3.5.2 | | \$500 |
| 41 | Control measures are properly: | | | | |
| | a. Selected | CGP 3.14.B | UTSWGP Part 3.5.2 | | \$500 |
| | b. Installed | CGP 3.14.B | UTSWGP Part 3.5.2 | | \$500 |
| | c. Maintained | CGP 3.14.B | UTSWGP Part 3.5.2 | | \$500 |
| | 1. Maintenance performed prior to next anticipated storm event | CGP 3.6.A | UTSWGP Part 3.5.2 | | \$250 |
| | 2. Sediment removed from sediment trap when design capacity reduced by 50% or more | CGP 3.6.A | UTSWGP Part 3.5.2 | | \$500 |
| 42 | When sediment escapes the site, it is removed at a frequency necessary to minimize off-site | CGP 3.14.C | UTSWGP Part 3.5.2 | | \$500 |

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|---|--|---|---|---|--|
| | impacts | | | | |
| 43 | Litter, construction debris, and construction chemicals exposed to storm water are prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.) | CGP 3.14.D | UTSWGP Part 3.5.2 | | \$500 |
| Site: Your Construction Site State: Utah | | EPA Regulation Reference | Utah Regulation Reference* | Included in Plan/On Site (Y/N) | Potential EPA E.S.O. Penalty Amount |
| 44 | Stabilization measures are initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation | CGP 3.14.E | UTSWGP Part 3.5.2 | | \$500 |
| | *Utah Exceptions: | | | | |
| | a. Snow or frozen ground conditions | CGP 3.14.E.1 | UTSWGP Part 3.5.4 | | |
| | b. Activities will be resumed within 14 days | CGP 3.14.E.2 | UTSWGP Part 3.5.4 | | |
| 45 | Common Drainage of 10+ acres has a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained | CGP 3.14.F.1 | UTSWGP Part 3.5.3 | | \$1,000 |
| | a. Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls implemented for down slope boundaries | CGP 3.14.F.1 | UTSWGP Part 3.5.3 | | |
| | b. Sediment removed from sediment basin or traps when design capacity reduced by 50% or more | CGP 3.14.F.1 | UTSWGP Part 3.5.3 | | |
| 46 | Common Drainage less than 10 acres has sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meets above requirement) | CGP 3.14.F.3 | UTSWGP Part 3.5.3 | | \$500 |
| | | | | | |
| | | | | On-Site (Y) | |
| | | | | Not found(N) | |
| | | | | Total | \$ |

